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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,902	03/18/2006	Franz Eberhard	5367-183PUS	3334
27799 7590 12/14/2007 COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			EXAMINER GOLUB, MARCIA A	
			ART UNIT 2828	PAPER NUMBER
			MAIL DATE 12/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,902	Applicant(s) EBERHARD ET AL.	
	Examiner Marcia A. Golub	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 and 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-14, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/02/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Election/Restrictions

Applicant's election with traverse of Species I claims 1-4, 9-14, 19 and 20 in the reply filed on 9/24/07 is acknowledged. The traversal is on the ground(s) that the election of species requirement is does not have a lack of unity statement.

A lack of unity statement is presented below:

The species do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

The special technical feature common to all the claims is "a circuit arrangement comprising a plurality of laser diode bars which are connected in series with one another and on which a specific operating voltage is in each case impressed during operation of the series circuit, comprising a bridging element is connected in parallel with each laser diode bar, which bridging element, when the specific operating voltage is impressed on the associated laser diode bar, transmits a smaller current than the laser diode bar or transmits no current and which bridging element switches over to such a low-impedance state that the laser diode bar is bridged as soon as the voltage drop across the laser diode bar exceeds the specific operating voltage by a predefined voltage value."

However, Fig 5 of Dinger et al. disclose the specified device structure as explained in a rejection below. Therefore, a plurality of laser diodes with bypass devices cannot be considered a special technical feature since it is already known in the art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2828

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 and 11 are rejected under 35 U.S.C. 102(a) as being anticipated by Dinger et al. (DE 102 09374, found in the IDS), hereinafter IDS1.

Fig 5 of IDS1 discloses:

1,11. "A circuit arrangement comprising a plurality of laser diode bars [20] which are connected in series with one another and on which a specific operating voltage [2 v] is in each case impressed during operation of the series circuit, comprising a bridging element [4] is connected in parallel with each laser diode bar, which bridging element, when the specific operating voltage is impressed on the associated laser diode bar, transmits a smaller current than the laser diode bar or transmits no current [bypass diode has a higher resistance than the laser diode] and which bridging element switches over to such a low-impedance state that the laser diode bar is bridged as soon as the voltage drop across the laser diode bar exceeds the specific operating voltage by a predefined voltage value." (Figure 3 and the associated description paragraph 0028)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over IDS1 as applied to claims 1 and 11 above.

Fig 5 of IDS1 discloses a laser device with a bypass diode that is forward biased in normal operation as described above but does not disclose:

2,12. "wherein the bridging element changes over to the state that bridges the laser diode bar as soon as the voltage impressed on the bridging element is at least 200 mV higher than the specific operating voltage of the associated laser diode bar."

3,13. "wherein the bridging element has at least one diode which is forward-biased

when the specific operating voltage is impressed on the associated laser diode bar and the diffusion voltage of which is at least 200 mV higher than the operating voltage of the associated laser diode bar.

IDS1 does not specify the difference between threshold voltages of the laser diode and the bypass diode to be at least 200 mV. However, the value of the threshold voltage is a result effective variable that can be easily adjusted depending on the design requirements.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of the MPEP into the device of IDS1 by making the threshold voltage difference at least 200 mV for at least the purpose of quickly and reliably bypassing a faulty laser diode.

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over IDS1 as applied to claims 1 and 11 above.

Fig 5 of IDS1 discloses a laser device with a bypass diode as described above but does not disclose:

4,14. "wherein the bridging element has a diode based on AlGaAs semiconductor material."

These materials/elements are known in the art to be used with lasers.

It would have been obvious to one of ordinary skill in the art at the time the of the invention to make the laser of these known materials/elements, since it has been held to be within the general skill of a worker in the art to select a known material/element on the basis of it's suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

Claims 9, 10, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over IDS1 as applied to claims 1 and 11 above, and further in view of Mizuishi et al. (JP 60211992 found in IDS), hereinafter IDS2.

Fig 5 of IDS1 discloses a laser device with a bypass diode as described above, wherein the laser diode and the bypass diode are soldered to a heat sink, but does not disclose:

9,19. "wherein each laser diode bar and the associated bridging element are applied

on a common heat sink, in that the bridging element is fixed on the heat sink by means of a first connecting means and the laser diode bar is fixed on the heat sink by means of a second connecting means, and in that the melting point of the first connecting means is at a higher temperature than that of the second connecting means."

10,20. "wherein the first connecting means is a hard solder and the second connecting means is a soft solder."

However, IDS2 discloses using soft solder and hard solder to connect different parts of the laser system.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of IDS2 into the device of IDS1 by attaching the laser diode to the heat sink with a soft solder and the bypass diode with a hard solder for at least the purpose of being able to interchange the faulty laser diode in the system without disturbing the rest of the components.

Contact Info

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcia A. Golub whose telephone number is 571-272-8602. The examiner can normally be reached on M-F 9-6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun Harvey can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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